

STATE OF NEW HAMPSHIRE

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January 14, 2021

White Rock Cooperative Estates, Inc.
c/o Jeannie Oliver, Staff Attorney/Professor of Law
Vermont Law School Energy Clinic
P.O. Box 96
South Royalton, VT 05068

Re: DE 20-198, White Rock Cooperative Estates, Inc.
Request for Waiver of Puc 909.09(a)(17)b
Granting Rule Waiver

Dear Ms. Oliver:

On December 9, 2020, White Rock Cooperative Estates, Inc. (White Rock) submitted an application to register for group net metering the White Rock Community Solar Project in Tilton, New Hampshire as a low-moderate income (LMI) community solar project, and simultaneously filed a request for the Commission to waive N.H. Admin. R., Puc 909.09(a)(17)b. Puc 909.09(a)(17)b requires applicants registering a group with an LMI community solar project to indicate whether the host and each member is a residential end user customer with household income at or below 300 percent of the federal poverty guidelines. White Rock explained that it verifies project participants' income through a "double-blind" process, in which it distributes randomly-numbered income surveys to participating households for them to complete anonymously, in order to protect the participants' privacy. Because it uses that "double-blind" process, White Rock is unable to identify which individual group members are LMI, as required by Puc 909.09(a)(17)b.

According to White Rock, the greater privacy afforded by the "double-blind" process was an important factor in securing community support for project participation and in ensuring that income surveys are completed each year. White Rock expressed concern that an alternative process might undermine the efficacy of such projects in serving LMI communities. White Rock noted that its resident income verification and reporting process was accepted by the Commission in connection with approval of its proposal for grant funding from the Renewable Energy Fund (REF).

On December 30, 2020, Commission Staff (Staff) filed a memorandum recommending that the Commission grant the requested waiver of Puc 909.09(a)(17)b, contingent upon the continuation of White Rock's annual report submission to ensure that LMI households remain a majority of group

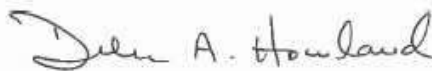
members, in compliance with the requirements of its approved REF grant funding contract. Staff further recommended that the Commission grant related waivers of Puc 909.10(a)(4)a and e to accommodate White Rock's alternative income verification and reporting method.

According to Staff, the requested rule waivers would serve the public interest, in that the purpose of Puc 909.09(a)(17)b, and the similar annual reporting requirements under the rules, is to ensure that majority LMI participation is maintained for the project, so it remains eligible to receive the statutory net metering adder amount. Staff maintained that the recommended waivers would also serve the public interest by increasing the accessibility of renewable energy to LMI residential electric customers. Staff expressed its belief that, under these circumstances, the purpose of the rules provisions would be satisfied by the alternative method proposed. Staff noted that White Rock and its project otherwise meet all applicable group net metering registration requirements.

Staff concluded that the purpose of the rules provisions would be satisfied through the project's annual reporting requirements under the REF grant contract to ensure that LMI majority participation is maintained and the required percentage of net metering proceeds are passed on to the LMI group members. Staff stated that the recommended rules waivers therefore serve the public interest and would not disrupt the orderly and efficient resolution of matters before the Commission. As the rule waiver criteria in Puc 201.05 have been met, Staff recommended that the Commission grant the requested waiver of Puc 909.09(a)(17)b, subject to the specified contingency, in addition to related waivers of Puc 909.10(a)(4)a and e.

The Commission has reviewed White Rock's request for a waiver of Puc 909.09(a)(17)b and, based on Staff's recommendation to grant the requested waiver as well as the related waivers of Puc 909.10(a)(4)a and e, determined that the standards for waiver contained in Puc 201.05 have been satisfied. Accordingly, White Rock is granted waivers of Puc 909.09(a)(17)b and Puc 909.10(a)(4)a and e, contingent upon White Rock filing annual reports to ensure that LMI households remain a majority of group members, in compliance with the requirements of its approved REF grant funding contract.

Sincerely,



Debra A. Howland
Executive Director

cc: Service List (Electronically)
Docket Book

Service List - Docket Related

Docket#: 20-198

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